June 3, 1996

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Re: Petition for Emergency Stay
WT Docket No. 95-5

TIMELY ACTION REQUESTED

Dear Mr. Caton:

Enclosed please find an original and nine (9) copies of a *Petition for Emergency Stay* to be acted upon by the full Commission.

Thank you for your assistance in this regard.

Very truly yours,

TELETECH, INC.

Susan Dobronski
President

SD/wp

cc: Ms. Michele Farquhar,
Chief, Wireless Telecommunications Bureau
Mr. Ralph A. Haller,
Deputy Chief, Wireless Telecommunications Bureau

No. of Copies rec'd 0+9
List ABCDE

Teletech, Inc.
Communications Engineering Specialists
P.O. Box 924 • Dearborn, Michigan 48124 • (313) 562-6873

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Streamlining the Commission's Antenna Structure Clearance Procedure	)	WT Docket No. 95-5
	)	
and	)	
	)	
Revision of Part 17 of the Commission's Rules Concerning Construction, Marking, and Lighting of Antenna Structures	)	

To the Commission:

PETITION FOR EMERGENCY STAY

1. Teletech, Inc. ("Petitioner"), by its President, and pursuant to Section 1.44 of the FCC Rules, hereby files this petition for a emergency stay of implementation of the Commission's streamlined antenna clearance procedure which was adopted in a Report and Order ("R&O") in WT Docket No. 95-5.[1] In the R&O, the Commission adopted rules to streamline the Commission's antenna structure clearance process and established a registration process that applies to the owners of antenna structures. Petitioner requests this emergency stay until such time as the Commission can act upon a *Petition for Declaratory Ruling* filed simultaneously

[1] *Streamlining the Commission's Antenna Structure Clearance Procedure,* WT Docket No. 95-5, 10 FCC Rcd 2771, released November 30, 1995.

herewith. Petitioner asserts that this emergency stay is necessary to protect the safety and well-being of aeronautical navigation.

2. In the R&O, the Commission has failed to define a standard of accuracy within which registering parties must specify the geodetic latitude and longitude and elevation of their antenna structures.[2]

3. Further, in the R&O, the Commission has explicitly approved the use of such devices as GPS receivers without corrections, in determining geodetic latitude, longitude, and elevation of the antenna structures.

4. If, the Commission is specifically stating that a tower registrant may utilize a GPS receiver without correction, which receiver has a horizontal accuracy with a certainty of approximately +/- 3.3 seconds and a vertical accuracy with a certainty of approximately +/- 156 meters (511.8 feet), then it is axiomatic that the Commission is espousing a *de facto* accuracy standard on the order of "any number that is somewhere in the ballpark will suffice."

5. The Commission's stated purpose behind the rulemaking

---

[2] For a full and complete analysis of the facts in concern, see Petitioner's *Request for Declaratory Ruling,* which is hereby incorporated by reference as if fully set forth herein.

proceeding which ultimately led to the R&O was to "ensure safety in air navigation."[3]

6. An antenna structure whose height is determined, by use of GPS receivers without correction, to be 511.8 feet less than its true height, poses a real and substantial threat to the safety of air navigation. Even assuming that the registrant had the correct above ground height of the structure, but utilized the GPS receiver without corrections to determine the ground elevation, this can still cause the overall height of the structure above mean sea level be incorrect by 511.8 feet or more.[4]

7. All aircraft are flown based upon altitude above mean sea level, not height above ground. Accordingly, it is the overall height of the structure above mean sea level (ground elevation plus structure height) that is important to the pilot-in-command of an air ship. An antenna structure which in actuality is 511.8 feet taller than registered (because of the registrant's reliance upon inaccurate instruments specifically approved by the Commission as being totally acceptable) poses a serious and substantial threat to the safety of air navigation. There is vicarious liability for the

---

[3] R&O, ¶2.

[4] GPS receivers determine height above ellipsoid ('ellipsoid height'), which is an imaginary spherical earth; as opposed to height above mean sea level (sometimes called 'geoid height'). In GPS receivers without corrections, the difference between ellipsoid height and geoid height can be as much as 100 meters (328 feet), and thus this is an additional error in accuracy.

Commission in this regard because of the direct and real threat posed to the safety of air navigation.[5]

8. The technology is readily, reasonably and inexpensively available to the public to be able to accurately, reliably, and with defined precision, determine the geodetic latitude, longitude, and height (both ground elevation and structure height above ground) of antenna structures required to be registered. In order to ensure the safety of air navigation - which was the alleged underlying purpose behind the entire rule making - the Commission must specify a defined accuracy/precision standard, and must require that registrants utilize a methodology of determining same which assures that the accuracy/precision standard is met. If the Commission is going to implement an antenna structure procedure to enhance air safety; then the Commission should do it right, or else not do it at all.

9. Because the Commission is an agency of the United States Government, the public will rely upon the directions of the

---

[5] Further, because the Commission is the governmental power that specifically and explicitly approved the use of measurement devices which do not have sufficient accuracy to protect the safety of air navigation, and such approval by the Commission is clearly negligent; in the event that the Commission fails to issue an emergency stay and/or declaratory ruling defining accuracy requirements, should an aircraft accident occur because of reliance upon the Commission's inaccurate tower registration database, each Commissioner and Commission staff employee responsible for the R&O should be held individually personally liable, both civilly and criminally.

Commission in registering its antenna structures. Since the Commission has apparently espoused no accuracy requirement, and has explicitly approved the use of measurement instruments with accuracies which pose a direct threat to the very safety of air navigation, Petitioner asserts that the Commission should immediately stay the commencement of acceptance of antenna structure registrations under its new antenna registration procedures until such time as action upon Petitioner's *Petition for Declaratory Ruling* may be taken.

WHEREFORE, THE FOREGOING PREMISES BEING CONSIDERED, AND FOR GOOD CAUSE BEING SHOWN, Petitioner respectfully requests that the Commission stay the commencement date of acceptance of antenna structure registrations until the underlying issues relating to threats to air safety can be resolved.

Respectfully Submitted,

TELETECH, INC.

Dated: June 3, 1996

By: 
Susan K. Dobronski
Its: President

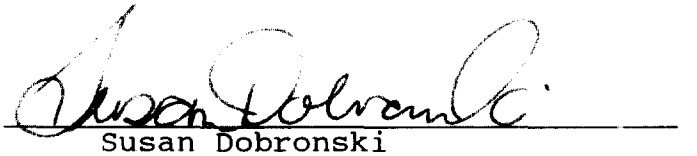
TELETECH, INC.
23400 Michigan Avenue, Suite 615
Dearborn, Michigan 48124-1915
Telephone: (313) 562-6873

VERIFICATION

I, Susan Dobronski, do verify that: I am the President of Teletech, Inc., a corporation duly organized and existing pursuant to the laws of the State of Michigan; in that corporate capacity I subscribed to the foregoing *Petition for Emergency Stay* filed on behalf of the corporation; the facts stated therein are true and correct to the best of my information, knowledge and belief; this petition is filed in good faith and not for the purpose of delay.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this **3rd** day of JUNE, 1996.



Susan Dobronski